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STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: ) Docket No.HWCA01/02-3031  
)  
Recycled Solvents, Inc. ) ENFORCEMENT ORDER  
550 E. Industrial Way )  
Fallbrook,California 92028 )  
EPA ID No. CAL000234193 ) Health and Safety Code  
) Section 25187  
Respondent. )  
\_\_\_\_\_)

INTRODUCTION

1.1. Parties. The State Department of Toxic  
Substances Control (Department) issues this Enforcement Order  
(Order) to Recycled Solvents, Inc.  
1.2. Site. Respondent treated and stored hazardous  
waste at the following site: 550 E. Industrial Way, Fallbrook,  
California, 92028.  
Permit/Interim Status. The Respondent does not have a  
state permit, certificate, registration, or interim status to  
manage hazardous waste.  
1.3. Jurisdiction. Section 25187 of the Health and  
Safety Code authorizes the Department to order action necessary  
to correct violations and assess a penalty when the Department

determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.4. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

#### DETERMINATION OF VIOLATIONS

2. The Department has determined:

2.1. The Respondent violated Health and Safety Code section 25201 in that between the dates July 28, 2000 and August 28, 2001 Respondent performed treatment of hazardous waste solvent without authorization from the Department on 23 separate days.

2.2. The Respondent violated Health and Safety Code section 25201 in that between the dates July 28, 2000 and August 28, 2001 Respondent stored three 55 gallon drums of hazardous waste without authorization from the Department.

#### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination Of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Immediately, Respondent shall cease all hazardous waste treatment(solvent recycling) and/or storage of hazardous waste until authorization is granted by the Department.

3.2. Submittals. All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Phillip Blum, P.E., Acting Branch Chief  
Task Force Support and Special Investigations Branch  
Department of Toxic Substances Control  
1011 N. Grandview Ave.  
Glendale, California 91201

1           3.3. Communications. All approvals and decisions of  
2 the Department made regarding submittals and notifications will  
3 be communicated to Respondent in writing by the Branch Chief,  
4 Department of Toxic Substances Control, or his/her designee. No  
5 informal advice, guidance, suggestions, or comments by the  
6 Department regarding reports, plans, specifications, schedules,  
7 or any other writings by Respondent shall be construed to relieve  
8 Respondent of the obligation to obtain such formal approvals as  
9 may be required.

10           3.4. Department Review and Approval. If the  
11 Department determines that any report, plan, schedule, or other  
12 document submitted for approval pursuant to this Order fails to  
13 comply with the Order or fails to protect public health or safety  
14 or the environment, the Department may:

15           a. Modify the document as deemed necessary and approve  
16 the document as modified, or

17           b. Return the document to Respondent with recommended  
18 changes and a date by which Respondent must submit to the  
19 Department a revised document incorporating the recommended  
20 changes.

21           3.5. Compliance with Applicable Laws: Respondent  
22 shall carry out this Order in compliance with all local, State,  
23 and federal requirements, including but not limited to  
24 requirements to obtain permits and to assure worker safety.

25           3.6. Endangerment during Implementation: In the event  
26 that the Department determines that any circumstances or activity  
27 (whether or not pursued in compliance with this Order) are  
28 creating an imminent or substantial endangerment to the health or

1 welfare of people on the site or in the surrounding area or to  
2 the environment, the Department may order Respondent to stop  
3 further implementation of this Order for such period of time as  
4 needed to abate the endangerment. Any deadline in this Order  
5 directly affected by a Stop Work Order under this section shall  
6 be extended for the term of the Stop Work Order.

7           3.7. Liability: Nothing in this Order shall  
8 constitute or be construed as a satisfaction or release from  
9 liability for any conditions or claims arising as a result of  
10 past, current, or future operations of Respondent.  
11 Notwithstanding compliance with the terms of this Order,  
12 Respondent may be required to take further actions as are  
13 necessary to protect public health or welfare or the environment.

14           3.8. Site Access: Access to the site shall be  
15 provided at all reasonable times to employees, contractors, and  
16 consultants of the Department, and any agency having  
17 jurisdiction. Nothing in this Order is intended to limit in any  
18 way the right of entry or inspection that any agency may  
19 otherwise have by operation of any law. The Department and its  
20 authorized representatives shall have the authority to enter and  
21 move freely about all property at the Site at all reasonable  
22 times for purposes including but not limited to: inspecting  
23 records, operating logs, and contracts relating to the Site;  
24 reviewing the progress of Respondent in carrying out the terms of  
25 this Order; and conducting such tests as the Department may deem  
26 necessary. Respondent shall permit such persons to inspect and  
27 copy all records, documents, and other writings, including all  
28 sampling and monitoring data, in any way pertaining to work

undertaken pursuant to this Order.

3.9. Data and Document Availability.

Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order.

Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans,

1 schedules, and reports that require Department approval and are  
2 submitted by Respondent pursuant to this Order are incorporated  
3 in this Order upon approval by the Department.

4           3.12. Extension Request: If Respondent is unable to  
5 perform any activity or submit any document within the time  
6 required under this Order, the Respondent may, prior to  
7 expiration of the time, request an extension of time in writing.  
8 The extension request shall include a justification for the  
9 delay.

10           3.13. Extension Approvals: If the Department  
11 determines that good cause exists for an extension, it will grant  
12 the request and specify in writing a new compliance schedule.

#### 13                           OTHER PROVISIONS

14           4.1. Additional Enforcement Actions: By issuance of  
15 this Order, the Department does not waive the right to take  
16 further enforcement actions.

17           4.2. Penalties for Noncompliance: Failure to comply  
18 with the terms of this Order may also subject Respondent to  
19 costs, penalties, and/or punitive damages for any costs incurred  
20 by the Department or other government agencies as a result of  
21 such failure, as provided by Health and Safety Code section 25188  
22 and other applicable provisions of law.

23           4.3. Parties Bound: This Order shall apply to and be  
24 binding upon Respondent, and its officers, directors, agents,  
25 employees, contractors, consultants, receivers, trustees,  
26 successors, and assignees, including but not limited to  
27 individuals, partners, and subsidiary and parent corporations.

28           4.4. Time Periods. "Days" for purposes of this Order

1 means calendar days.

2 PENALTY

3 5. Based on the foregoing DETERMINATION OF VIOLATIONS,  
4 the Department sets the amount of Respondent's penalty  
5 at \$49,949. Payment is due within 30 days from the effective  
6 date of the Order. Respondent's check shall be made payable to  
7 the Department of Toxic Substances Control, and shall identify  
8 the Respondent and Docket Number, as shown in the heading of this  
9 case. Respondent shall deliver the penalty payment to:

10 Department of Toxic Substances Control  
11 Accounting Office  
12 1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

13 A photocopy of the check shall be sent to:

14 Phillip Blum, P.E., Acting Branch Chief  
15 Task Force Support and Special Investigations Branch  
16 Department of Toxic Substances Control  
1011 N. Grandview Ave.  
Glendale, CA 91201

17 RIGHT TO A HEARING

18 6. Respondent may request a hearing to challenge the  
19 Order. Appeal procedures are described in the attached Statement  
20 to Respondent.

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EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: April 25, 2002

[Original signed by]

Phillip Blum, P.E., Acting Branch Chief  
Hazardous Substances Scientist  
Task Force Support and Special Investigations  
Department of Toxic Substances  
Control

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